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August 7, 2020

BY ELECTRONIC CASE FILING

The Honorable Pamela K. Chen  
United States District Judge  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Carlos Martinez*, Case No. 15-cr-252  
(Def. No. 33) (PKC)

Dear Judge Chen:

I represent Defendant Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, Mr. Martinez moves for an order modifying the daily curfew to which he is subject, as a condition of his pretrial release set by the Court. Mr. Martinez' curfew currently runs from 8:00 p.m. to 8:00 a.m. See ECF 1369. Mr. Martinez seeks to modify his curfew so that it runs from 11:00 p.m. to 6:30 a.m., for the reasons set forth herein.

Mr. Martinez requests that his curfew begin at 11:00 p.m., instead of 8:00 p.m., for the following reasons. First, having his curfew begin at 11:00 p.m. will permit Mr. Martinez to meet with business associates and potential clients. To safeguard his family during the pandemic, Mr. Martinez cannot meet with these individuals at his home. To address this, Mr. Martinez intends to rent a small office, in which he will be able to hold such meetings. A curfew starting at 11:00 p.m. will allow Mr. Martinez to hold evening business meetings at his office, and attend dinner meetings, and provide him with sufficient time to get home, thereafter. Second, an 11:00 p.m. curfew start time will allow Mr. Martinez to meet with the staff of the two restaurants in which he is a partner, after the end of the restaurants' dinner shifts.<sup>1</sup> Mr. Martinez and his partners are planning to add dinner shifts at these restaurants in an attempt to survive the pandemic-related economic impact and attendant restrictions on the restaurant industry. Mr. Martinez and the other partners are also planning to expand their restaurants to two other locations and add two new franchises, making the post-dinner shift meetings even more important.

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<sup>1</sup> To safeguard the privacy interests of Mr. Martinez and his family, counsel has not included the specific names of Mr. Martinez's daughter's school, Mr. Martinez's church, or the names of the restaurants in which Mr. Martinez is a partner. Should the Court require further information regarding these requests, counsel will move for leave to provide additional identifying information to the Court under seal.

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Mr. Martinez requests that his curfew end at 6:30 a.m., instead of 8:00 a.m., for the following reasons. First, having his curfew end at 6:30 a.m. will allow Mr. Martinez to drive his daughter to school when her in-school classes resume. Mr. Martinez's daughter's school is approximately nineteen miles from Mr. Martinez's residence, and her school day begins at 7:20 a.m. Second, a curfew ending at 6:30 a.m. will permit Mr. Martinez to assist at the 7:00 a.m. mass at his church, which is located approximately 4 miles from his residence. Prior to the imposition of his present curfew, Mr. Martinez regularly assisted at mass on a weekly basis. Finally, ending his curfew at 6:30 a.m. will allow Mr. Martinez to exercise by riding his bicycle outside, before the traffic in the area, surrounding his residence, becomes heavy and less safe for cyclists.

On August 5, 2020, Mr. Martinez sought the United States' position on the relief requested herein. Assistant United States Attorney Kristin Mace represented that the United States consents to the relief requested herein.

Mr. Martinez has complied with all of his release conditions and cooperated fully with the Pretrial Services and Probation Offices supervising his release. On August 5, 2020, undersigned counsel conferred with United States Pretrial Services Officer Ramel Moore and United States Probation Officer Juan Nunez who supervise Mr. Martinez' release, and apprised them of this application. They indicated that their respective offices have no objection to the relief requested herein.

This is the first application for a modification of the conditions of Mr. Martinez's pretrial release.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this application and issue an Order modifying Mr. Martinez's curfew to run from 11:00 p.m. to 6:30 a.m.

Respectfully submitted,



Julia M. Coleman  
Steven J. McCool  
Michael Cornacchia  
Ramon Abadin  
*Counsel for Carlos Martinez*

cc: Counsel of record (by ECF)  
U.S. Pretrial Services Officer Ramel Moore (by e-mail)  
U.S. Probation Officer Juan Nunez (by e-mail)